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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,414	12/08/2003	Mishko Teodorovich	SSpan	2455
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RICK B. YEAGER, ATTORNEY 10805 MELLOW LANE AUSTIN, TX 78759			KWIECINSKI, RYAN D	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/730,414	TEODOROVICH, MISHKO
	Examiner	Art Unit
	Ryan D. Kwiecinski	3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-8,10 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-8,10 and 18-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to because

(1) Figs. 4, 8, 15A, 18B, 19B, 20B, 21B, and 23B are exploded views and therefore must have its separated parts embraced by a bracket to show relationship or order of assembly of parts as required by 37 C.F.R. § 1.84(h)(1).

(2) the examiner notes that reference numerals of characters "16" (Figs. 4, 8, 10, 13A, 13B, 14A, and 14B), "15A" (Figs. 5 and 9), "100" (Figs. 18F, 18G, and 20B), "200" (Figs. 18A, 18B, 18C, 18D, 19A, 19B, 19C, and 20B), "300" (Fig. 16), "400" (Figs. 15A, 17A, 17B, and 17C), "450" (Figs. 15A and 15C), "600" (Figs. 23H and 23I), "630" (Figs. 23D and 23E), "635" (Figs. 23F and 23G), and "640" (Figs. 23J and 23K) have all been underlined which is improper since reference numerals or characters should only be underlined if located on the structure they represent so the examiner suggests deleting the underlining and adding lead lines from the reference numeral or character leading to the structure which the reference numeral or character represents; and

(3) reference numerals or characters "15a" (Fig.4), "15b" (Fig.4), "15A" (Fig.8), and "15B" (Fig.8) have no lead lines leading therefrom to the structure they represent.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because: reference characters "335" and "330" have both been used to designate "front surface" (See page 16, lines 4 and 11). The examiner suggests that the specification be amended to change reference numeral "335" on Page 16, line 4 to --330--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(1) reference numeral "451" (Fig. 15c) is not in the specification and the examiner suggests that reference numeral –451—be inserted on Page 16, line 8, after the words "nail slot".

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings submitted on 21 July 2007, which were Non-Compliant, had the necessary corrections to overcome the objections of the prior office action. The drawings submitted 28 August 2007 were the originally filed drawings (objections

remained uncorrected) with "Replacement Sheets" printed in the header. Therefore the drawing objections remain.

Claim Objections

Claims 1 and 18 are objected to because of the following informalities:

Claim 1, lines 14 and 27, the "a end piece base" should be --an end piece base--
Claim 18, line 20, the recitation "the first end piece" appears it should read --the
second end piece--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 10 is rejected under 35 U.S.C. 102(a and e) as being anticipated by US 1,842,956 to Bauman et al.

Claim 10:

Bauman et al. discloses method of manufacturing a sill pan comprising extruding a first sill pan base unit (Page 2, first sentence of paragraph [0021]), the base unit comprising

- a first end (end towards 4, Fig.2)
- a second end (end towards 3, Fig.2)
- a slanted upper portion (21, Fig. 7),
- a rear wall (9, Fig.7),
- a front flange (25, Fig.7),
- a rear sill support (12, Fig.7), and
- a front sill support (26, Fig.1)

such that the rear support and the front support on the first sill pan base unit are lengthwise (run lengthwise of the base, Fig.2) in order to permit the first base unit to be manufactured by extrusion;

cutting the first sill pan base unit to a desired length (Page 1, Paragraph [0009]);

affixing a first end element (Page 2, Paragraph 24) to the first end of the sill pan base unit; and

affixing a second end element (Page 2, Paragraph 24) to the second end of the sill pan base unit.

Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,136,814 to Headrick.

Claim 18:

Headrick discloses sill pan for a window or door comprising an extrudable (see Col.2, lines 21-23) sill pan base (12, Fig.1) having a length and a width, the sill pan base comprising

- a first end (right side of Fig.5),
- a second end (side opposite Fig.5),
- a sloped upper portion (18, Fig.1),
- a rear wall (32, Fig.1),
- a rear sill support (17,27, Fig.1), and
- a front sill support (22, Fig.1),

such that the rear sill support and the front sill support are oriented lengthwise on the sill pan base (run lengthwise, Fig.1);

- a first end piece (36, Fig.1), attachable to the sill pan base in the proximity of the first end of the sill pan base, the first end piece comprising
- a horizontal tab (37, Fig.1) which may be inserted between the rear support and the front support, the horizontal tab having a top surface (37, Fig.1)

aligned with the top surfaces of the rear support and the front support (when inserted in the frame member 12, the top surface of 37 will align with the top surfaces of the support 22 and 27),

a recess (the indentation next to 41, Fig.1) for receiving and overlapping the first end of the rear wall,

a recess (the recess with side 43, Fig.1) for receiving the first end of the rear sill support, and

a recess (underneath 44, Fig.1, the front support is able to fit under 44) for receiving the first end of the front sill support; and

a second end piece (identical piece opposite of 36, Fig.1, the structure of second end piece below is the identical rejection of the first end piece above), attachable to the sill pan base in the proximity of the second end of the sill pan base, the second end piece comprising

a horizontal tab, which may be inserted between the rear support and the front support, the horizontal tab having a top surface aligned with the top surfaces of the rear support and the front support,

a recess for receiving and overlapping the second end of the rear wall,

a recess for receiving the second end of the rear sill support,

a recess for receiving the second end of the front sill support.

Claim 19:

Headrick discloses the sill pan of claim 18 wherein the horizontal tab of the first end piece is tapered (37, Fig.1).

Claim 20:

Headrick discloses the sill pan of claim 18 further comprising
a front flange (21, Fig.1) projecting downwardly from the front of the
extrudable sill pan base (12, Fig.1);
a recess (the front flange is able to fit underneath 44, Fig.1) in the first end
piece for receiving a first end of the front flange; and
a recess (the front flange is able to fit underneath 44, Fig.1) in the second
end piece for receiving a second end of the front flange.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1, 5, and 8 are rejected under 35 U.S.C. 103(a) as being
unpatentable over US 1,904,404 to Burk in view of US 1,842,956 to Baum.**

Claim 1:

Burk discloses a sill pan for a window or door comprising
a sill pan base (30, Fig.1) having a length and a width, the sill pan base
comprising:
a first end (left end, Fig.1),

a second end (right end, Fig.1),
a sloped upper portion (30, Fig.1),
a rear wall (34, Fig.1),
a front flange (46, Fig.1),
a rear sill support (60, Fig.1), and
a front sill support (40, Fig.1),

such that the rear sill support and the front sill support on the sill pan base are lengthwise in order to permit the sill pan base to be manufactured by extrusion without requiring subsequent addition of support elements;

a first end piece (left end, Fig.1) comprising:
an end piece base having a top surface, a bottom surface, a first side edge, a second side edge (left edge, Fig.1), a rear edge, and a front edge,
a side upward lip (32, Fig.1) projecting from the top surface of the end piece base along the second side edge, the side upward lip extending from the front edge to the rear edge of the end piece base, and
a downwardly extending front lip (46, Fig.1) projecting from the top surface of the end piece base along the front edge, the downwardly extending front lip extending from the first side edge to the second side edge of the end piece base; and
a second end piece (right end, Fig.1) comprising

an end piece base having a top surface, a bottom surface, a first side edge, a second side edge, a rear edge, and a front edge, a side upward lip (32, Fig.1) projecting from the top surface of the end piece base along the second side edge, the side upward lip extending from the front edge to the rear edge of the end piece base, and a downwardly extending front lip (46, Fig.1) projecting from the top surface of the end piece base along the front edge, the downwardly extending front lip extending from the first side edge to the second side edge of the end piece base.

Burk does not directly disclose such that the end piece base is attachable to the sill pan base in the proximity of the first end of the sill pan base and the first side edge of the end piece base. Burk discloses two end pieces which telescope together to form a sill pan.

Baum discloses end pieces attached to a sill pan base member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have form the sill pan with two ends which attach to the sill pan base as taught by Baum. It is obvious to have a sill pan base with the same construction of the end pieces of Burk and allow the end pieces to telescope with both ends of the sill pan base. Providing end members to a sill pan base to conform the sill pan to a window opening is well known in the art.

Claim 5:

Burk in view of Baum disclose the sill pan of claim 1, Burk also discloses wherein the sill pan base is constructed of a metal (Column 2, line 100).

Claim 8:

Burk in view of Baum disclose the sill pan of claim 1, Burk also discloses wherein the first end piece is glued (Column 4, lines 93-101) onto the first end of the sill pan base.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,904,404 to Burk in view of US 1,842,956 to Baum in view of US 2005/0034385 A1 to Broad et al.

Claim 4:

Burk in view of Baum discloses the sill pan of claim 1, but does not disclose that the base is constructed of a plastic.

Broad et al. disclose that the base is constructed of a plastic (Page 2, Paragraph 26, Table on Page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed Burk's window sill from a plastics material taught by Broad et al. because plastics are known to have extraordinary tensile, aesthetic, and weather resistant properties, which are necessary in the construction of a window sill.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 1,904,404 to Burk in view of US 1,842,956 to Baum in view of US 2004/0139667 A1 to Massey et al.

Claim 6:

Burk in view of Baum discloses the sill pan of claim 1, but does not disclose that the first end piece snaps onto the first end of the base.

Massey et al. disclose that the first end piece snaps onto (Page 10, paragraph 135) the first end of the base.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed Burk's sill pan with interlocking snap on parts as taught by Massey et al. in order to enable the pieces to be assembled and disassembled while holding a secure connection.

Claim 7:

Burk in view of Baum in view of Massey et al. discloses the sill pan of claim 6, Massey et al. also discloses the first end piece includes at least one projecting portion (203, Fig.35); and

the first end of the base includes a slot (15, Fig.25) which accepts the projecting portion.

Response to Arguments

Applicant's arguments with respect to claims 1 and 4-8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments regarding claims 10 and 18-20 filed 21 July 2007 have been fully considered but they are not persuasive.

Applicant argues that the disclosure invention is a "sill pan" and not a "sill" but there is no structural limitations in the claims that distinguish the "sill pan" from a "sill" if there is distinguishable difference. The term "sill" is used quite broadly in the art and usually refers to a horizontal member in the lower section of an opening in a wall. Therefore the arguments are not persuasive and do not overcome the rejection.

The drawings that were entered to overcome the objections and the Non-compliant Amendment appear to be the original drawings filed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan D. Kwiecinski whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

Robert Canfield
Primary Examiner

